

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-1-5
PUPIL TRANSPORTATION**

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0520-1-5-.01 OPERATION OF SCHOOL BUSES.

- (1) Records and Reports - The superintendent of schools shall keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.

- (2) Liability Insurance (T.C.A. §49-6-2111).

- (a) Minimum liability and property damage coverage shall be not less than the amount specified in the table below:

Kind of equipment passenger equipment(seating capacity)	Limit for bodily injuries to, or death of, one person	Limit of bodily injuries to, or death of, all persons injured or killed in any one accident(subject to maximum of\$100,000 for bodily injuries to, or death of, one person)	Limit for loss or damage in any one accident to property of others(including occupants)
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All Capacities	\$100,000	\$300,000	\$50,000
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In the event that the local board of education (or the governmental entity with liability under the Governmental Tort Liability Act of 1973, as amended, T.C.A. §29-20-101 et. seq.) is unable to purchase insurance to cover its obligations hereunder except through an assigned risk pool, then the limits of liability in the three preceding categories shall be \$20,000/\$40,000/\$10,000. If insurance is not purchased through an assigned risk pool or if the board of education or governmental entity elects to self insure, then the greater limits above apply.

- (b) School bus accidents shall be reported to the Department of Education, in the following manner:

1. Pupil injury and/or fatality accidents: By telephone within 24 hours of the accident; by written report within 10 days on the department provided School Bus Accident Report Form.
2. Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

- (3) Allocation of Funds - The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds.

- (4) Approved buses are identified as:

(Rule 0520-1-5-.01, continued)

- (a) Conventional buses with 15 years or less of service. After 12 years of service, year to year approval is required from the Commissioner of Education.
 - (b) Transit buses with 15 or less years of service.
 - (c) Transit buses with 150,000 miles or less of recorded travel and a maximum of 17 years in service.
 - (d) Van type equipment with 10 or less years in service.
 - (e) Conventional buses remanufactured not later than the 10th nor earlier than the 7th year with 15 or less years of service.
 - (f) Transit buses remanufactured not later than the 15th nor earlier than the 12th year with 20 or less years of service.
 - (g) Used out-of-state buses with a post April 1, 1977 date of manufacture.
- (5) School bus drivers shall meet the following requirements:
- (a) School bus drivers shall have an appropriate commercial driver license issued by the State Department of Safety and shall meet all other rules and regulations of the State Department of Safety as set forth in Chapter 1340-3-3.
 - (b) All school bus drivers shall be required to pass annually a physical and mental examination for commercial drivers as prescribed by the United States Department of Transportation.
 - (c) No person shall be issued a certificate by a local board of education until an investigation has been made to determine whether or not such person has been found guilty of any criminal offense and such criminal records, if any, made a part of his or her permanent file.
- (6) Local school systems shall adopt policies providing for the safe operation of school buses.
- (7) For Cross References to Pupil Transportation Laws see T.C.A. §§49-3-1006, 49-6--2101 et seq., 49-6-3104, 55-7-106, and 55-8-151.
- (8) Commercial advertising may be displayed on school buses as follows:
- (a) The local board of education shall adopt a policy to regulate commercial advertising on school buses. Such policy shall address the following minimum standards:
 - 1. Cost of the commercial advertising.
 - 2. Designation of the individual(s) with the authority to sell and approve commercial advertising.
 - 3. Definition of appropriate commercial advertising.
 - 4. Specification of how the advertising will be attached, if not painted on the school bus.
 - 5. Issues relating to contracts with independent contractors.
 - (i) All contracts for commercial advertising must comply with board policy.

(Rule 0520-1-5-.01, continued)

- (ii) Contracts with independent bus owners must indicate how the revenue from the commercial advertising will be allocated.
 - (b) Commercial advertising shall be permitted only on the rear quarter panels of the school bus; no more than two (2) advertisements per rear quarter panel shall be permitted.
 - (c) The size of commercial advertising per quarter panel shall not exceed sixteen (16") inches in height and sixty (60") inches in length, including any border or framing.
 - (d) The commercial advertising shall consist of black lettering on a white background.
 - (e) No commercial advertising of tobacco or alcohol products shall be permitted. Political campaign advertising shall be expressly prohibited.
 - (f) Commercial advertising shall not cover any structural or sheet metal damage or alteration.
- (9) The State Department of Education shall report annually on school bus accidents to the State Board of Education and to the State Department of Safety, Pupil Transportation Division.
- (10) A school bus shall not transport more students than the manufacturer's rated capacity. In order to allow for periods of adjustment, the Commissioner of Education may issue temporary permits of no more than 30 school days in accordance with TCA 49-6-2110. When applying for a permit, the local board of education shall submit a plan stating how it will achieve compliance with the manufacturer's rated capacity. The Department of Education and the Department of Safety will work collaboratively to ensure that buses are brought into compliance.

Authority: T.C.A. §§49-1-302; 49-6-2101 et seq., 46-6-2108, 55-7-106 and 55-8-151. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed November 3, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective July 19, 1982. Amendment filed January 10, 1984; effective April 15, 1984. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed December 19, 2002; effective April 30, 2003.

0520-1-5-.02 MINIMUM STANDARDS FOR SCHOOL BUSES.

- (1) All school buses purchased by a county, local school system, or private contractor shall meet the *Tennessee Minimum School Bus Standards* approved by the State Board of Education and all applicable federal motor vehicle safety standards.
- (a) Van type equipment may be used to transport not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. Such van type equipment may be owned and operated by the local education agency or may be operated by or for the local education agency under a rental or for hire arrangement entered into by the agency with respect to the specific activity in connection with which such transportation is to be furnished.
 - 1. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons that is owned or rented by the school system and used to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed employee of the school system.
 - 2. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons operated for the local education agency under a for hire arrangement (both

(Rule 0520-1-5-.02, continued)

van and driver are arranged) to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed driver.

3. Van type equipment designed to transport not fewer than eleven (11) nor more than sixteen (16) persons can be used to transport up to fifteen (15) students. When transporting students, all drivers of such van type vehicles shall possess an appropriate school bus endorsed commercial driver's license issued by the Tennessee Department of Safety. Such van type equipment must be inspected by the Tennessee Department of Safety prior to its use. The inspections will be made at sites determined and scheduled by the Department of Safety. Local education agencies shall furnish evidence of insurance to the inspector of the van type vehicle at the time of inspection with limits which comport to the minimum requirements of T.C.A. §29-20-101 et seq. A sticker evidencing approval for operation shall be issued to the owner of the vehicle and shall be affixed to the vehicle at the time of completion of the inspection. The approval shall be effective for a one year period. The inspection shall include the following areas:
 - (i) The van-type equipment is in safe, operating condition including an inspection of brakes, tires, glass, and seat belts and an inspection for fluid leaks;
 - (ii) The drive shaft is restrained by drive shaft loop hangers, except for front wheel drive vans;
 - (iii) The van contains a fire extinguisher, first aid kit and a body fluid kit; and
 - (iv) The van has in place an internal release latch for all doors.
 4. No waivers shall be issued by any agency or department for the rules pertaining to the use of van type equipment.
 5. Notwithstanding any part of this rule to the contrary, any van type equipment designed to transport (11) or more persons purchased by a local education agency after the effective date of this rule shall conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) if used for pupil transportation.
- (2) Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board of Education but, because of special equipment, appropriate modifications shall be made for children with disabilities.

Authority: T.C.A. §§49-1-30; 49-6-2102 and 49-6-2115. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed April 15, 1983; effective May 16, 1983. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed January 15, 1987; effective April 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-1-5-.03 REPEALED.

Authority: T.C.A. §§49-1-302 and 49-6-2102. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-1-5-.04 THROUGH 0520-1-5-.10 REPEALED.

Authority: T.C.A. §§49-1-302 and 49-6-2102. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.